

REMARKS

Claims 1-24 have been cancelled without prejudice. Thus the rejection of those claims has been mooted. Claims 25-27 have been amended and new dependent claims 28-39 have been added to further protect applicants' invention.

Each of the independent claims 25, 26, and 27 define an independent franchise supply chain as comprising at least independent suppliers, independent stores, and an independent supply chain manager with an independent supply chain manager computer connected together by a network. Each includes a step, or component or computer code for storing in an electronic database accessible via the network at least one term from a plurality of masters contracts for the independent franchise supply chain, each different one of the at least contract terms assigning directly or indirectly a different set of independent stores of the independent franchise supply chain to a different respective independent supplier of the independent franchise supply chain to supply at least one item to the independent stores assigned directly or indirectly thereto. Each claim includes a step, or component or computer code for the independent supply chain manager computer for the franchise supply chain electronically registering each of a plurality of the independent suppliers and the independent stores in the electronic database and assigning to each a unique identifier. Each claim includes a step, or component or computer code for electronically receiving independent store sales data on the network from a plurality of the independent stores utilizing the network, the independent store sales data relating to an amount of a product sold by the independent stores, wherein the sales are made over the counter and the product is or will be a promotion product. Each claim includes a step, or component or computer code for collecting information relating to a plurality of variables including at least historical performance of promotion products and a negative sales relationship of at least one non-promotion product relative to the promotion product both to be sold by a given store during a promotion. Note that the term "cannibalization" has been converted to "a negative sales relationship of at least one non-promotion product relative to a promotion product," so as to remove any ambiguity on its meaning. Each claim also includes a step, or component or computer code for processing in

the independent supply chain manager computer the independent stores sales data based on the information relating to at least the negative sales relationship variable.

Further, each claim includes a step, or component or computer code for the independent supply chain manager computer generating a forecast of sales for the non-promotion product during the promotion for each of a plurality of the independent stores in the independent franchise supply chain based on the processing. Each claim includes a step, or component or computer code for the independent supply chain manager computer electronically grouping the forecast of sales for the non-promotion product. Each claim includes a step, or component or computer code for providing electronic access to the forecast of sales.

The patent to Lidow describes a supply chain network. However, Lidow does not receive product sales data, but rather receives forecasts from customers. See paragraph 18.

The Lidow patent also does not have a independent supply chain manager computer that generates forecasts. Rather Lidow receives already-computed individual forecasts from its individual customers in a non-franchise situation.

The Lidow patent also does not provide any disclosure or suggestion of a supply chain manager computer generating a forecast based on a cannibalization variable ("a negative sales relationship of at least one non-promotion product relative to a promotion product both to be sold by a given store"). The office action cites Lidow at page 3, paragraph 51, lines 4-10 for the idea of forecasting based on cannibalization factors. That Lidow site reads as follows:

Referring to FIG. 2, there is shown a general overview of a supply chain network in accordance with the invention. Supply chain network 70 includes customers 72 of any size. Customers 72 each place orders with a supply chain server 74. Supply chain server 74 accumulates demand forecasts from customers 72 who are using the same or similar products. These demands are then aggregated and supply chain server 74 determines the best method for distributing all the products requested from any approved suppliers 76 to any requesting customers 72.

This passage has nothing to do with cannibalization or a negative sales relationship between products sold by a single customer.

Moreover, there is nothing that puts the forecasting using a negative sales relationship between products in the context of the claim combination with sales data from a plurality of franchise stores and historical data, wherein the forecasting is performed by an independent supply chain manager computer which then groups the forecast of sales for the non-promotion product, and provides electronic access to the forecast of sales.

The new claims 28-30 are dependent claims and add the features of grouping the forecast of sales for the non-promotion product based on the set of independent stores assigned by one of the at least one contract terms to a particular one of the independent suppliers, and then providing electronic access to the grouped forecast of sales to the particular one of the independent suppliers. New claims 31-39 add the features of charging a fee to the supplier based on number of products sold (claims 31-33), generating based at least in part on the data relating to the amount of products sold by the stores a calendar of events at least in part for the promotion and allowing to a plurality of members of the supply chain access to the calendar of events (claims 34-36), and collecting information of competitor product promotion activity; and wherein the processing step comprises also processing the independent stores sales data using the information on competitor activity (claims 37-39). These claims are patentable based on the foregoing arguments, and also based on the additional limitations that they add to their respective combinations.

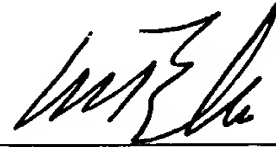
For the foregoing reasons, it is submitted that the examiner's rejection are erroneous, and reversal of the applied rejections is respectfully requested.

Respectfully submitted,

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